SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1950

No. 546

HEIRS OF EUGENIO FERNANDEZ-GARCIA,
Petitioners,

v.

JOSE ANTONIO FERNANDEZ-ANTONETTI,
Respondent.

BRIEF FOR RESPONDENT

Opinion Below

The official report of the opinion of the United States Circuit Court of Appeals, First Circuit, to which the present writ is directed is in 184 F. 2d 1015.

The official report of the opinion of the Supreme Court of Puerto Rico which was affirmed by the Circuit Court of Appeals will be found in 71 P.R. 161 (Spanish edition, advance pamphlet.)

After a trial on the merits, the Tribunal for the Judicial District of San Juan rendered judgment in the filiation suit declaring the defendant therein to be a recognized natural child of Dr. Eugenio Fernández. Said judgment was affirmed by the Supreme Court of Puerto Rico (Antonetti v. Fernández) and appears reported in 68 P.R.R. 477 (Rec. 76, 78). On appeal therefrom, it was also af-

firmed by the Circuit Court of Appeals for the First Circuit, on November 9, 1948.

Jurisdiction

The jurisdiction invoked by petitioners is under Title 28, U.S.C., section 1254.

Statement of the Case

The facts of this case, as stated by petitioners in their brief, are substantially correct except in one very important particular, that is, that on no occasion whatsoever during the trial in the Tribunal for the Judicial District of San Juan, on appeal in the Supreme Court of Puerto Rico, or on appeal in the Circuit Court of Appeals for the First Circuit, did the defendants, who are the petitioners herein, raise any question concerning the appointment or the qualifications of Judge Jesús A. González to sit as a substitute judge for the Tribunal for the Judicial District of San Juan. (Stipulation, Rec. 94.)

Now they are collaterally attacking that judgment. (Rec. 139, 140.)

Questions Presented

At page 9 of their brief, the petitioners present five questions, which they later on summarize in three alleged errors which they submit as having been committed by the Circuit Court of Appeals for the First Circuit on rendering its judgment affirming that of the Supreme Court of Puerto Rico. (Rec. 156, 160.)

We will now discuss, in the same order presented by counsel for the petitioners, the three grounds on which they rely in their petition for a writ of certiorari.

Point I

We contend that the Governor of Puerto Rico has authority to appoint substitute judges for the District Courts of Puerto Rico and that the appointments of such judges need not be made by and with the advice and consent of the Puerto Rican Senate as a condition precedent for them to act as such substitute judges. Such authority arises from the provisions of Section 21 of the Code of Civil Procedure.

Since March 10, 1904, date of approval of our Code of Civil Procedure, to the present date, said section has empowered the Governor of Puerto Rico to appoint such substitute judges. It was under the authority granted him, that on November 18, 1946 and on January 17, 1947, the Governor of Puerto Rico appointed Jesús A. González to act as substitute judge for the Tribunal for the Judicial District of San Juan during the absence of Judge B. Marrero-Ríos, then a regular judge for said tribunal. (Rec. 17, 18 respectively.)

The provisions of Section 49 of the Organic Act of Puerto Rico (48 U.S.C.A., 876) that "all judges of courts now established or that may hereafter he established in Puerto Rico . . . shall be appointed with the advice and consent of the Senate of Puerto Rico" refer to the appointment of regular judges for the insular courts, but in nowise to substitute judges appointed under the provisions of the first proviso of Section 21 of the Code of Civil Procedure.

In dealing with the legal problem involved in this case, the petitioners omit all reference to the provisions of Section 40 of the Jones Act, when they say:

> "The power to appoint a judge without the concurrence of the Senate of Puerto Rico does not exist, and no emergency can create it. The Organic Act of Puerto Rico is analogous to a Constitution for the Island government, and no sound reason has been ad-

vanced for ignoring its plain provisions." (Brief for petitioners, page 16.)

The first proviso of Section 21 of the Code of Civil Procedure must be construed in the light of the provisions of Section 40 of the Jones Act. So construed, Section 21 does not antagonize Section 49 of the Jones Act, as regards appointments by and with the advice and consent of the Senate of all regular judges for the courts and tribunals of Puerto Rico.

It is not a question of an imaginary or fake emergency what Section 21 of the Code of Civil Procedure, as it was in force in March 2, 1917, effective date of the Jones Act, contemplates. By introducing Sections 40 and 49 to the Jones Act, Congress, by virtue of said Section 40, recognized to their full extent the provisions of Section 21 of our Code of Civil Procedure as then in force and adopted said provisions as an integral part of the Jones Act, subject, however, to any future amendments thereto by either our Legislature or by Congress. Neither the letter nor the spirit of Section 21 of our Code of Civil Procedure, nor Section 40 of the Jones Act, antagonize the provisions of Section 49 of the Organic Act. The two former sections can and do coexist without leading to any absurd consequences. A construction to the contrary may lead to such absurd consequences as in cases of absence, sickness or temporary inability of regular judges to act.

Appointments of substitute judges required by an emergency in public affairs are made to remedy urgent situations arising in the course of the administration of justice (Section 21 Code of Civil Procedure; Section 40 Jones Act). All regular judges are appointed by the Governor by and with the advice and consent of the Puerto Rican Senate, except the recess appointments of such regular judges (Section 26 of the Jones Act). At the time when Judge Gon-

zález was twice appointed as substitute judge for the Tribunal for the Judicial District of San Juan, the Senate of Puerto Rico was not in session, either regular, special or executive (Rec. 74-75). Whether or not in session, there was then no vacancy in the office of regular judge for said tribunal, but only a temporary absence of one of the regular judges thereof.

The meaning of a statute may be ascertained in various ways. Section 17 of the Civil Code of Puerto Rico (1930 ed.) reads as follows:

> "Section 17.—When the words of a law are dubious, their meaning should be sought by examining and comparing the obscure expressions with other related words and sentences in an orderly manner, in order to ascertain their true meaning."

Since words are not always used accurately by the legislator, the thought conveyed by the statute in its entirety may reveal the inaccurate use. From a very early date [1] this Court has consistently recognized this fact.

> "It is true that the natural import of words may be affected by the context, and that where other parts of the statute demonstrate an intent different from that which the words of a particular section of themselves would import, such manifest intent may be admitted to give to the words employed a less obvious meaning." [2]

Oneale v. *Thornton*, 10 U. S. 53, 6 Cranch. 53, 3 L. Ed. 150 (per Chief Justice Marshall).

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[1] 1810.

[2] "In expounding a statute" this Court later said, "the court must not be guided by a single sentence or member of a sentence, but must look to the provisions of the whole law and to its object and policy." *United States* v. *Boisdore Heirs*, 49 U. S. 113, 8 How. 12 L. ed. 1009. And see also *Pollard* v. *Bailey*, 87 U. S. 520, 20 Wall. 520, 22 L. ed. 376, and *Costanzo* v. *Tillinghast*, 287 U. S. 341, 77 L. ed. 350.

See *Harrison* v. *Northern Trust Co.,* 317 U. S. 476, 481, 87 L. Ed. 407 citing *United States* v. *American Trucking Association,* 310 U. S. 534, 543, 84 L. Ed. 1345.

Petitioners contend (Brief, pages 14-15) that the phrase "all judges" contained in Section 49 of the Organic Act is so clear and free from ambiguity that "no sound reason has been advanced by either court below to support the proposition that Congress meant less than what it said. The Supreme Court of Puerto Rico states merely: "We cannot agree that these sections [Sections 21 of the Code of Civil Procedure and 49 of the Organic Act] prohibit the Legislature from making a supplementary provision [Section 21] for appointment by the Governor of substitute judges who will act for brief periods in emergencies to avoid temporary breakdowns in the administration of justice. . . . Such a provision is in accord with the doctrine that the law abhors vacancies because they disrupt the continuity of administration of public office." (Brackets ours.)

We find this foregoing statement of the Supreme Court of Puerto Rico to be a wise and sound appreciation by said court of local problems, bearing always in mind the general structure of our government and the fact that no law whatever exists in Puerto Rico expressly prohibiting the Governor from making appointments of substitute judges for the district courts. The appointments of said substitute judges for the insular courts have been an administrative practice adhered to for nearly half a century. It was that long-established practice which moved the Attorney General of Puerto Rico to intervene as *amicus curiae* in the certiorari proceedings before the Supreme Court, to uphold the validity of the appointments made by our Governor in this case. (Record 115.) An injudicious attitude taken by the Supreme Court of Puerto Rico would have created

a chaos in the administration of justice in Puerto Rico, for, undoubtedly, it would have given rise to an endless number of suits and proceedings brought to annul final judgments rendered by substitute judges in cases adjudged by them during all that period.

The arguments, advanced by the petitioners, that the appointments issued to Jesús A. González to act as substitute judge for the Tribunal for the Judicial District of San Juan, while said González was discharging an office in the Department of Justice—Office of the Attorney General—is tantamount to an encroachment, by the Executive, on the Judicial branch of the government, is rather more apparent than real. In fact it was not the Executive proper the one who was to discharge the office of substitute judge, but rather an attorney who was rendering services to the Department of Justice who, by virtue of said appointment, continued rendering his services to the Judicial branch of the government, *i.e.*, to the Department of Justice of Puerto Rico. Be it as it may, the cases cited by the petitioners in their brief at page 16, do not apply to the facts in this case. Any parallel that may exist betwen the provisions of Section 49 of the Jones Act and the provisions of Article 2, paragraph 2 of the Constitution of the United States, cannot produce the same effects in their application to the circumstances which contemplated the first proviso of Section 21 of the Code of Civil Procedure (1933 ed.)—as said section was then in force on March 2, 1917 when Congress approved our Jones Act—leading to the approval, by our Legislature, of that section.

The arguments also advanced by the petitioners in their brief, pages 17 and 18, vanish when considered in the light of the provisions of Section 40 of the Jones Act, approved March 2, 1917. That section consecrates all that is provided for in Section 21 of the Code of Civil Procedure. In

other words, the established procedure for appointment of substitute judges authorized by Section 21 was left in force when, by Section 40 of the Jones Act, Congress provided that "*it shall continue to be as now* [approval date of the Jones Act] provided . . ." (Italics ours. Insertion in brackets supplied.)

The doctrine of *de facto* officers, as applied by the Supreme Court of Puerto Rico conforms to law and to precedents. Pursuant to Section 21 of the Code of Civil Procedure the Governor had the power to appoint a substitute judge during the brief absence of Judge Marrero-Ríos. When appointing González as substitute judge, the Governor, therefore, was not acting without authority of law. The appointments were lawfully made and invested González with color of authority to act as a *de facto* officer. Even assuming that the appointments were erroneous, that fact alone does not prevent action thereunder as a *de facto* officer and the alleged failure to take the oath of office would not prevent one who has the necessary requisites from acting as a *de facto* officer (Record 138), as the Supreme Court of Puerto Rico held (Record 136, 138). Those two facts bring about a situation which precisely call for the application of said doctrine by the courts in an honest effort to maintain the principles of justice and the dignity with which are vested the acts and proceedings of all serious and well constituted governments. 43 Am. Jur. 223, 224, 226, sections 470-471, 481.

How could the citizens of a country trust their government where, by reason of a mere technicality, the effects of final judgments were to be so utterly destroyed? It should be remembered that the defendants in the filiation suit, petitioners now before this Court, went throughout the entire proceedings in that suit until it was finally disposed of by the Tribunal of the Judicial District of San Juan, they

then appealed from the decision of that tribunal to the Supreme Court of Puerto Rico and therefrom to the Circuit Court of Appeals for the First Circuit, and at no time during the entire course of the proceedings did they raise any question challenging either the validity of the appointments of Judge González as substitute judge of the Tribunal for the Judicial District of San Juan, or the alleged failure of Judge González to take the oath, or his qualifications as said substitute judge. (Record 94-95.) It is now, after all those proceedings had, that they complain and raise objections to said appointments, oath and qualifications, in a manner contrary to what the law and the trend of decisions have established to be the rule, *i.e.*, that judgments cannot be collaterally attacked. *In re Manning*, 139 U. S. 504; Restatement, Judgments, 41, Section 7; 59 Yale L.J. 345.

POINT II

The application of the *de facto* doctrine by the Supreme Court of Puerto Rico (Record 133-139) is wise and sound. In applying such doctrine, that Court did not commit any fundamental misconception of the structure of our Government. On the contrary, it has thereby guaranteed, and maintained in a high level, the administration of justice in our jurisdiction. To think otherwise would be to deprive the inhabitants of Puerto Rico of the sound doctrine so established. This Court has constantly applied the said doctrine. See Constantineau, On the De Facto Doctrine, 3-5, Sections 1-3. And also comments in 9 So. Calif. L. Rev. 189, 217, *et seq.*

There is no constitutional question involved in this case warranting this Court to assume jurisdiction therein. The question dealt with by the Circuit Court of Appeals for the First Circuit concerns solely with local statutory provisions. This being so, we respectfully insist that this case

should not be entertained by this Court. The grounds or reasons advanced for granting the writ prayed for are more apparent than real. The so-called constitutional question to which the petitioners refer does not arise from any part of the petition for certiorari or from the brief in support thereof. On this point we invoke the holding of this Court in the case of *Rubert Hermanos* v. *People of Puerto Rico,* 309 U. S. 343. The *Rubert* case is decisive on such a point.

Point III

The petitioners question the manner in which the Circuit Court of Appeals for the First Circuit has applied the provisions of Rule 39 of said Court of Appeals. Invoking the case of *De Castro* v. *Board of Commissioners,* 322 U. S. 451 (1944) they contend that the injunction placed upon said Court has been disobeyed. We contend to the contrary that in rendering its judgment in the case the Circuit Court of Appeals did not abdicate its appellate function. It rather followed the principle laid down in the *De Castro* case by this Court when, since 1874 to this date, it has manifested its general unwillingness to overrule local tribunals upon matters of purely local concern. *Sweene* v. *Lomme,* 22 Wall 208, 213; *Northern Pacific R. R. Co.* v. *Hambly,* 154 U. S. 349, 361; *Fox* v. *Haarstick,* 156 U. S. 674, 679; *Armijo* v. *Armijo,* 181 U. S. 558, 560-561; *Copper Queen Consol. Min. Co.* v. *Territorial Board of Equalization,* 206 U. S. 474, 479; *Lewis* v. *Harrea,* 208 *U. S.* 309, 314; *English* v. *Arizona,* 214 U. S. 359, 361; *Santa Fe County* v. *New Mexico,* 215 U. S. 296, 305; *Albright* v. *Sandoval,* 216 U. S. 331, 339; *Lewers & Cooke* v. *Atcherly,* 222 U. S. 285, 294; *Treat* v. *Grand Canyon R. R. Co.,* 222 U. S. 448, 452; *Ker & Co.* v. *Couden,* 223 U. S. 268, 279; *Clason* v. *Matko,* 223 U. S. 646, 653; *Gray* v. *Taylor,* 227 U. S. 51, 57; *Cordova* v. *Folgueras,* 227 U. S. 375, 378-379; *Phoenix R. R. Co.* v. *Landis,* 231 U. S. 578, 579-580;

Santa Fe C. R. Co. v. *Friday,* 232 U. S. 694, 700; *Nadal* v. *May,* 233 U. S. 447, 454; *Villanueva* v. *Villanueva,* 239 U. S. 293, 298-299; *Díaz* v. *González,* 261 U. S. 102, 105-106; *Fernández* v. *Ayllon,* 266 U. S. 144, 146; *Matos* v. *Alonso Hermanos,* 300 U. S. 429, 432; *Waialua Co.* v. *Christian,* 305 U. S. 91, 109; *Inter-Island Co.* v. *Hawaii,* 305 U. S. 306, 311; *all leading up to the emphatic statement of the same rule in Sancho Bonet, Treasurer* v. *Yabucoa Sugar Co.,* 306 U. S. 505, 509-511; and in *Sancho Bonet, Treasurer* v. *Texas Co.,* 308 U. S. 463, 470-472, and afterwards in *People of Puerto Rico* v. *Rubert Hermanos, Inc.,* 315 U. S. 637, 646.

See also the cases of *Mercado* v. *Commins,* 322 U. S. 465; *Monagas* v. *Vidal,* 170 F. 2d 99 (1948) (*Writ of certiorari denied* 335 U. S. 911, 69 S. Ct. 483); *Rullán* v. *Buscaglia,* 168 F. 2d 401 (1948) (*Certiorari denied* 335 U. S. 857); *Mercado Riera* v. *Mercado Riera,* 167 F. 2d 207 (1948) (*Certiorari denied* 335 U. S. 825); *United States* v. *Iriarte,* 166 F. 2d 800 (1948) (*Certiorari denied* 335 U. S. 816); A. J. *Tristani, Sucrs.* v. *Buscaglia,* 166 F. 2d 966 (1948) (*Certiorari denied* 335 U. S. 821); *Sociedad Española de Auxilio, etc.* v. *Buscaglia,* 164 F. 2d 745 (1947) (*Cert. den.* 333 U. S. 867); *Anderson* v. *Mercado,* 163 F. 2d 303 (1947) (*Cert. den.* 332 U. S. 837); *Buscaglia* v. *Ballester,* 162 F. 2d 805 (1947) (*Cert. den.* 332 U. S. 816); *Padrón* v. *People of Puerto Rico,* 142 F. 2d 508 (1944) (*Cert. den.* 323 U. S. 791); *Buscaglia* v. *District Court of San Juan,* 145 F. 2d 274 (1944) (*Cert. den.* 323 U. S. 793); *Ballester-Ripoll* v. *Court of Tax Appeals of Puerto Rico,* 142 F. 2d 11 (1944) (*Cert. den.* 323 U. S. 723).

As a further ground of opposition to the granting of the petition for certiorari herein, the respondent states:

The judgment rendered in the filiation suit, adjudging respondent to be an acknowledged natural child of the

late Dr. Eugenio Fernández-García, the annulment of which judgment is collaterally sought by petitioners in the suit which gave rise to the certiorari proceedings herein, is being satisfied or complied with by your petitioners in this certiorari proceedings.

In the judicial administration proceedings of the Estate of the late Dr. Eugenio Fernández-García, brought before the District Court of Puerto Rico, District of San Juan, Civil Docket No. 1391, the respondent, as an acknowledged natural child of the said Eugenio Fernández-García, filed a motion praying that the amount of $300 monthly be assigned to him as rents or interest on his share in the inheritance of the referred to Dr. Eugenio Fernández-García (Section 583 of the Code of Civil Procedure). And by a stipulation dated February 21, 1951, entered into by the attorneys for the judicial administratrix, the widow of the late Dr. Eugenio Fernández-García, and the other heirs, and for the respondent, it was agreed that the amount of $200 was to be paid monthly, on the last day of every month thereafter, until further order of the court, chargeable to respondent's share in the inheritance of Dr. Eugenio Fernández-García, the respondent herein having acknowledged in said stipulation the receipt of the $200 paid to him for the month of January 1951. Said stipulation was approved by the District Court of Puerto Rico, District of San Juan, on March 5, 1951.

The respondent further states that he has also received payment of the $200 for the month of February 1951. All the above statements appear from the Exhibits referred to in the Appendix.

The respondent contends that these payments amount to a voluntary acquiescence and to a recognition of the validity of such judgment of filiation and that the petitioners are estopped thereby from prosecuting this certiorari proceedings before this Court. *Culp* v. *Sandoval*,

L. R. A., 1917-A 1157, 22 N. M. 71, 159 Pac. 956. See also *American Book Co.* v. *Kansas,* 193 U. S. 49, 51, and cases therein cited.

Conclusion

WHEREFORE respondent respectfully submits that the petition for a writ of certiorari in this case be denied with costs allowed to the respondents in accordance with Rule 32 of this Court.

San Juan, Puerto Rico, March 8, 1951.

J. GUILLERMO VIVAS,
Attorney for Respondent,
José A. Fernández-Antonetti,
Ponce, Puerto Rico.
Box 951, Ponce, P. R.

APPENDIX

Exhibit 1

DISTRICT COURT OF PUERTO RICO
(District of San Juan)

Civil No. 1,391

EX PARTE CARMELINA C. WIDOW OF FERNÁNDEZ-GARCÍA, *Petitioner,*

JOSÉ A. FERNÁNDEZ-ANTONETTI, *Intervener*

Judicial Administration

Intervener's Motion Requesting that the Amount of $300 be Monthly Assigned to Him as Rents or Interests of His Share in the Inheritance of the Late Doctor Eugenio Fernández-García.

To the Honorable Court:

Now comes José A. Fernández-Antonetti, intervener herein, by his undersigned attorney, and respectfully alleges:

1. That in the instant case there are urban properties located in the municipality of San Juan, rural properties, and a hospital or clinic business which produce rents and benefits in the amount net of over $5,000 monthly, which amount the judicial administratrix, Carmelina Cerra Widow of Fernández-García, and her other four children as persons interested in the inheritance of Dr. Eugenio Fernández-García, are supposed to collect.

2. That said judicial administratrix has rendered no accounts of her administration, notwithstanding the fact that she is bound to do so by law and pursuant to an order of this Court, as it appears from the record in this case.

3. That is intervener, an acknowledged natural child of Dr. Eugenio Fernández-García, is entitled to receive part of those rents and benefits, and needs them, for his support,

in an amount not less than three hundred (300) dollars monthly.

WHEREFORE, the intervener prays for an order directing the judicial administratrix to deliver to intervener, chargeable to the rents to be paid to him, as part of the inheritance of Dr. Eugenio Fernández-García, the amount of three hundred (300) dollars monthly from this date on.

Ponce for San Juan, December 7, 1950.

(Sgd.) LEOPOLDO TORMES,
Attorney for the intervener, Ponce, P. R.

On this date a carbon copy of this motion has been sent by mail to Attorney Rafael Cuevas-Zequena, attorney for the judicial administratrix in this case, at San Juan, Puerto Rico, where he has his office.

(Sgd.) LEOPOLDO TORMES,
Attorney for the intervener, Ponce, P. R.

Exhibit 2

(Same Title)

STIPULATION AS TO PAYMENT OF A SUPPORT PENSION TO INTERVENER

To the Honorable Court:

Now comes the judicial administratrix and the heirs of the late Dr. Eugenio Fernández-García, by their Attorney R. Cuevas-Zequeira, and the intervener, José A. Fernández-Antonetti, by his Attorney Leopoldo Tormes and stipulate and agree:

1. That the judicial administratrix and the heirs of Dr. Fernández-García, shall deliver to the intervener, for his support, the amount of two hundred (200) dollars monthly, on the last day of each month, chargeable to that which he may be entitled for rents, or to his share in the inheritance of Dr. Eugenio Fernández-García, until further order of this Court.

The intervener acknowledges having received payment of the two hundred (200) dollars corresponding to the month of January, 1951.

We pray the Hon. Court to approve this stipulation.

Ponce for San Juan, February 21, 1951.

(Sgd.) LEOPOLDO TORMES,
Attorney for intervener.

(Sgd.) R. CUEVAS-ZEQUEIRA,
Attorney for the Judicial Administratrix and for the Estate of Dr. E. Fernández-García.

Exhibit 3

(Same Title)

Order

Whereas: Pending decision of the motion of oppositor José A. Fernández-Antonetti requesting that the Judicial Administratrix and the heirs of the deceased Dr. Eugenio Fernández-García pay to him the amount of three hundred dollars ($300) monthly, as support pension, chargeable to his share in the estate,

Whereas: On February 21, 1951, the parties filed a proposed stipulation as to payment to intervener of a support pension, by which the Judicial Administratrix and the heirs of Dr. Fernández-García acquiesce in delivering to oppositor, i.e., Fernández-Antonetti, the sum of two hundred dollars ($200) monthly chargeable to that which may correspond to him for rents or share in the estate of Dr. Eugenio Fernández-García;

Whereas: That being a joint free-will of the parties and there being nothing contrary to law in said stipulation,

Wherefore: The Court hereby approves the stipulation agreed to by the parties and orders the Judicial Administratrix and the heirs of Dr. Fernández-García to deliver, from now on and until further order, to the oppositor, José A. Fernández-Antonetti, as support, the sum of two

hundred dollars ($200) monthly, not later than the last day of each month, chargeable to that which may correspond to the opposition for rents or share in the estate of Dr. Eugenio Fernández-García.

Let it be registered and notified.

Given at San Juan, on the 8th day of March, 1951.

(Sgd.) JOAQUÍN CORREA-SUÁREZ,
Judge.

Certificate

I, Lilí González, Clerk of the District Court of Puerto Rico, District of San Juan (Civil Section), Do Hereby Certify:

That the foregoing are true and exact translated copies of the respective originals in Spanish which appear in the record of this case, under my custody, in the Clerk's Office, to which record I refer.

And to deliver to the intervener, José A. Fernández-Antonetti, I issue the present certificate under my signature and seal of this Court, in San Juan, Puerto Rico, this the 8th day of March, 1951.

LILÍ GONZÁLEZ,
Clerk, District Court of Puerto Rico,
District of San Juan (Civil Section)

EXHIBIT 4

Reason for which this check is drawn

On account share in estate 200.00

200.00

SUCESION FERNANDEZ-GARCIA
Judicial Administration
Santurce, P.R.

No. 61

Santurce, P.R., FEB 8-1951 19

PAY TO THE ORDER OF José A. Antonetti $ 200.00

Dr. E. Fernández-García 200 DOLLARS 00 CTS. DOLLARS

TO Branch
BANCO POPULAR DE PUERTO RICO
SANTURCE, P.R.

59-284

(Sgd.) Dr. E. Fernández-Cerra
Judicial Administration